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DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ARIZONA

## BEFORE THE DISCIPLINARY COMMISSION BY CONTROL OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

ANDREW R. PROPER,
Bar No. 011295

RESPONDENT.

No. 06-1302

No. 06-1302

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 15, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed July 3, 2007, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for a 90-day suspension, two years of probation with the State Bar's Member Assistance Program (MAP), and costs.

## **Decision**

The eight members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a 90-day suspension, two years of probation (MAP) upon reinstatement, and costs of these disciplinary proceedings.<sup>2</sup> The terms of probation are as follows:

<sup>1</sup> Commissioner Flores recused.

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<sup>&</sup>lt;sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

## Terms of Probation

- 1. Within 30-days from the date of reinstatement, Respondent shall contact the MAP director and submit to an assessment. Respondent shall thereafter, enter into a probation contract based upon the recommendation of the MAP director or designee, and its terms shall be incorporated herein by reference. The probation period will begin upon reinstatement.
- 2. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct and other rules of the Supreme Court of Arizona.
- 3. Respondent shall pay all costs incurred in these disciplinary proceedings including those costs incurred by MAP and the Disciplinary Clerk's Office.
- 4. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

RESPECTFULLY SUBMITTED this 28th day of September 2007.

J. Conrad Baran, Chair Disciplinary Commission

:	Original filed with the Disciplinary Clerk this <u>88th</u> day of <u>September</u> , 2007.
1	this A8th day of September, 2007.
2	Copy of the foregoing mailed this 28 day of September, 2007, to:
3	Richard M. Goldsmith
4	Hearing Officer
5	Lewis and Roca, L.L.P. 40 North Central Avenue
6	Phoenix, AZ 85004-4429
7	Ralph Adams
8	Respondent's Counsel The Law Offices of Ralph Adams
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10	Amy K. Rehm
11	Senior Bar Counsel
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13	and self sensor
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